

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

<b>KEITH EARL BUSBY, #411895,</b>	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. <b>3:07-CV-0417-L</b>
	§	
<b>NATHANIEL QUARTERMAN, Director,</b>	§	
<b>Texas Department of Criminal Justice,</b>	§	
<b>Correctional Institutions Division,</b>	§	
	§	
Respondent.	§	

**ORDER**

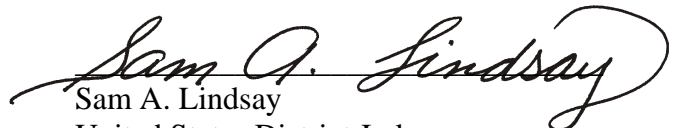
Before the court are the Findings, Conclusions and Recommendations of the United States Magistrate Judge, filed January 29, 2009. Petitioner timely filed objections to the findings and recommendation on February 9, 2009.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. Magistrate Judge Irma C. Ramirez found that the petition was barred by the one-year statute of limitations of the Antiterrorism and Effective Death Penalty Act of 1996 and that Petitioner was not entitled to equitable tolling because he failed to demonstrate the required extraordinary circumstances and due diligence.

Petitioner objects and argues that his petition is timely because he did not learn of the factual basis for his claim until October 11, 2006. The magistrate judge specifically addressed and rejected this argument because Petitioner's claim is based upon the parole board denying his parole and he filed this claim originally in state court on June 1, 2006. The court agrees with the magistrate judge and finds that the date on which the factual basis arose for his claims was March 22, 2005, the date he received notice from the parole board, and accordingly, his petition is time-barred. The court therefore **overrules** Petitioner's objection.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the court. The court therefore **dismisses with prejudice** the writ of habeas corpus as barred by the one-year limitations period.

**It is so ordered** this 24th day of February, 2009.

  
Sam A. Lindsay  
United States District Judge